REMARKS

Applicants are amending Claims 1, 4, 7, 10, 13 and 16 to correct an informality therein with regard to the article for the oxidization cell and oxygen gettering agent. It is respectfully requested that this amendment be entered.

Applicants have the following response to the rejections in the Final Rejection.

Claim Rejections - 35 USC §103

In the Final Rejection, the Examiner has the following rejections under 35 USC §103:

1. Claims 1, 13, 31, 47 and 51 as being unpatentable over Hiraga et al. (US 6,139,321) in view of Harrah et al. (US 4,405,487) and Matsuura et al. (US 6,001,413) and Nowobilski (US5,328,336).

2. Claims 2 and 14 as being unpatentable over Hiraga et al., Harrah et al. and Matsuura et al. and Nowobilski and further in view of Begin et al. (US 5,310,410).

3. Claims 3 and 15 as being unpatentable over Hiraga et al., Harrah et al. and Matsuura et al. and Nowobilski and further in view of Kakei et al. (US 3,931,789).

4. Claims 4, 34 and 38as being unpatentable over Hiraga et al. in view of Harrah et al., Matsuura et al. and Nowobilski in view of Conte (US 6,149,392).

5. Claim 5 as being unpatentable over Hiraga et al., Harrah et al., Matsuura et al. and Conte and Nowobilski and further in view of Begin et al.

6. Claim 6 as being unpatentable over Hiraga et al., Harrah et al., Matsuura et al. and Conte and further in view of Kakei et al.

7. Claims 7-8, 16-17, 37, 49 and 52 as being unpatentable over Hiraga et al. in view of Harrah et al., Matsuura et al. and in view of Begin et al and Nowobilski.

8. Claims 9 and 18 as being unpatentable Hiraga et al., Harrah et al., Matsuura et al. and Begin et al. and Nowobilski and further in view of Kakei et al.

9. Claims 10, 11, 40 and 50 as being unpatentable over Hiraga et al. in view of Harrah et al., Matsuura et al. in view of Begin et al. and in view of Conte and Nowobilski.

10. Claim 12 as being unpatentable over Hiraga et al., Harrah et al., Matsuura et al., Begin et al. and Conte and Nowobilski and further in view of Kakei et al.

11. Claims 32 and 33 as being unpatentable over Hiraga, Harrah, and Matsuura et al. and Nowobilski and further in view of Zheng (US 6,124,215).

12. Claims 35 and 36 as being unpatentable over Hiraga, Harrah, Matsuura et al. and Conte and Nowobilski and further in view of Zheng.

13. Claims 38-39 and 45-46 as being unpatentable over Hiraga, Harrah, Matsuura et al. and Begin and Nowobilski and further in view of Zheng.

14. Claims 41 and 42 as being unpatentable over Hiraga, Harrah, Matsuura et al., Begin and Conte and Nowobilski and further in view of Zheng.

15. Claims 43 and 44 as being unpatentable over Hiraga, Harrah, and Matsuura et al. and Nowobilski and further in view of Zheng

Each of these rejections is respectfully traversed.

More specifically, each of the rejections relies upon a combination of Hiraga, Harrah, Matsuura and Nowobilski (and then other references as deemed necessary by the Examiner). Nowobilski is a new reference cited by the Examiner in the Final Rejection which he contends is in response to Applicants' prior amendment to independent Claims 1, 4, 7, 10, 13 and 16 to recite "said second mechanism includes a oxidization cell having a lid and a oxygen gettering agent" (See Amendment G filed March 29, 2006).

While Applicants disagree with these rejections and traverse the rejections, in order to advance the prosecution of this application, Applicants are amending independent Claims 1, 4, 7, 10, 13 and 16 to clarify the claimed invention. In particular, these claims have been amended to recite "said second mechanism includes an oxidization cell having a lid for controlling a time of the oxidization and an oxygen gettering agent." This feature is supported, for example, in the specification at page 9, lns. 3-5 and is not disclosed or suggested in the cited references.

In particular, the Examiner cites Fig. 1 of Nowobilski and contends that the reference teaches "providing a gettering material in a container (Fig. 1, 1) with a closing means (5) for at least the purposes of preventing the getter material from escaping and allowing the easy replacement of getter material once it is deactivated or longer useful for removing undesirable gases (column 6, rows 22-31)."

However, Nowobilski states:

> "[T]he present invention in part lies in the recognition that a containment device or container constructed with sintered particles is useful for forming a getter capsule which is capable of being employed in vacuum systems. The containment device or container constructed with the sintered particles is found to provide, inter alia... pores sufficiently sized to retain getter powder within its interior cavity and, at the same time, to allow reactive gases, such as hydrogen, and any product gases, such as water, to diffuse into or out of its interior cavity. The sufficiently sized pores are also uniformly distributed to enhance the reaction between the getter material and the gas impurities since the gas impurities can be uniformly distributed to the surface of the getter material in the container." Col. 3, ln. 51 - col. 4, ln. 3 (emphasis added)

Hence, Nowobilski appears to disclose a container (1) with an enclosure wall (2) and a closing means (5). While the enclosure wall and closing means can retain getter powder in the container and allow the easy replacement of getter material, pores in either or both allow gases to diffuse in and out of the container, without providing any control over time of the oxidization. See e.g. Cols. 3-4 in Nowobilski. Hence, the reaction between the getter material and the gas impurities is not controlled, related to or based on the closing means (5). Therefore, Nowobilski does not disclose or suggest an oxidization cell having a lid for controlling a time of the oxidization, as in the claimed invention. The other references also do not disclose or suggest this feature.

Therefore, even if it is proper to combine Hiraga, Harrah, Matsuura and Nowobilski (which Applicants do not admit), the combination still fails to disclose or suggest the claimed

apparatus of independent Claims 1, 4, 7, 10, 13 and 16, and those claims dependent therefrom, and the claims are patentable thereover. Accordingly, it is respectfully requested that the §103 rejections be withdrawn.

New Claims

Applicants are also adding new dependent Claims 53-58. These claims add the feature that the second mechanism includes a heater. This feature is supported, for example, in the specification at page 9, lns. 3-5 of the present application. Applicants do not believe that this feature is disclosed or suggested by any of the cited references. Accordingly, Applicants respectfully request that these new claims be entered and allowed.

Please charge our deposit account 50/1039 for any fee due for these new claims.

Conclusion

It is respectfully submitted that the present application is in condition for allowance, and should be allowed.

If any fee is due for this amendment, please charge our deposit account 50/1039.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,

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